

STAFF REPORT

ALCOHOLIC BEVERAGE WAIVER REQUEST

CASE NUMBER: SP-2008-0595AW

NAME AND LOCATION OF BUSINESS: Taqueria Guadalajara, 9207 N Lamar Boulevard.

NAME AND LOCATION OF SCHOOL WITHIN 300 FEET OF PROPOSED SALE OF ALCOHOLIC BEVERAGES: Barrington Elementary School, 400 Cooper Dr.

ZONING: CS

NEIGHBORHOOD PLAN: N/A

APPLICANT: MARTEZ-BBQ LLC (Doug Marcella)

REQUEST: The owner of Taqueria Guadalajara, MARTEZ-BBQ (Doug Marcella) requests a waiver from the minimum distance requirement of 300 feet in Section 4-9-4(A) of the Austin City Code because he intends to sell alcoholic beverages at his restaurant which is located **175** feet from a public school, Barrington Elementary, at 400 Cooper Dr.

Section 4-9-5 allows the City Council to waive the 300 foot distance requirement if they determine that the enforcement of the distance requirement in a particular instance:

- (1) *is not in the best interest of the public;*
- (2) *constitutes waste or the inefficient use of land or other resources;*
- (3) *creates an undue hardship on the applicant;*
- (4) *does not serve its intended purpose;*
- (5) *is not effective or necessary; or*
- (6) *for any other reason the council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.*

Written objection to the granting of the waiver has been received from Joe Silva, Assistant Director of Planning, Austin Independent School District.

Staff recommends denial of the waiver request.